

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF TEXAS  
 HOUSTON DIVISION

ZHEJIANG MEDICINE CO., LTD., *et al*, §

Plaintiffs, §

VS. §

CIVIL ACTION NO. 4:11-CV-1052

KANEKA CORPORATION, §

Defendant. §

**AMENDED SCHEDULING ORDER**

It is hereby **ORDERED**, after consultation with the parties, that the following schedule will apply in this case:

|     |                      |  |
|-----|----------------------|--|
| 23  | January 31, 2014     | <b>Dispositive and Non-Dispositive Motions and Briefing deadlines</b>  |
| 23a | March 14, 2014       | Dispositive Motions related to the issue of the molar ratio of reduced coenzyme Q10 present during ZMC's process for manufacturing oxidized coenzyme Q10   |
| 24  |                      | <b>Court's ruling on all pending motions</b>   |
| 25  | August 25, 2014      | <b>Joint Pretrial Order</b> due including <b>all components</b> required by Local Rules and this Court's Procedures (such as witness lists, exhibit lists and copies of exhibits ( <i>see</i> # 29 below), and (a) in bench trials, proposed findings of fact and conclusions of law with citation to authority and (b) for jury trials, joint proposed jury instructions with citation to authority, and proposed verdict form). <b>Statement of Expected Length of Trial:</b> _____ days (~6 hours with jury per day). |
| 26  | 30 days before trial | <b>Written notice due for request for daily transcript or real time reporting of trial proceedings.</b>  |

|    |                      |   |
|----|----------------------|---|
| 27 | 30 days before trial | <b>Video and Deposition Designations</b> due.<br>Each party who proposes to offer a deposition by video must file a disclosure identifying the line and page numbers to be offered.<br><br>All other parties will have <b>1 week</b> to file a response requesting <b>cross designation</b> line and page numbers to be included.<br>Each party is responsible for <b>preparation of the final edited video</b> in accordance with their parties' designations and the Court's rulings on objections. |
| 28 | 15 days before trial | <b>Motions in Limine</b> due.   |
| 29 | 15 days before trial | <b>Objections</b> to opponents' proposed witnesses, proposed exhibits, designated deposition testimony, and any other matters due.  |
| 30 | 7 days before trial  | The <b>parties</b> are directed to confer and <b>advise the Court</b> about (a) which limine requests the parties agree to.   |
| 31 |                      | <i>The Court refers most patent cases to mediation. The parties should discuss proposed mediators and timing of mediation prior to the Scheduling Conference and be prepared with recommendations for the Court.</i><br><b>Mediation to be completed by this date.</b> The parties must select a mediator for this case. The parties and mediator must comply with S.D. TEXAS LOCAL RULE 16.  |
| 32 | August 29, 2014      | 1:30 p.m. <b>Docket Call</b> at the United States District Court, 515 Rusk Street, Houston, Texas.  |
| 33 | September, 2014      | <b>JURY SELECTION &amp; TRIAL</b> (1:30 p.m.) commences, subject to Court's criminal docket   |
| 34 | 5-7 days             | Estimated days to try.  |

**OTHER REQUIREMENTS and LIMITATIONS:**

- (a) **All depositions** to be read into evidence as part of the parties' case-in-chief must be **EDITED** (*with* notice to opposing parties) to exclude all unnecessary, repetitious, and irrelevant testimony. **ONLY** those portions relevant to the issues in controversy may be read into evidence.
- (b) The Court will refuse to entertain any **motion to compel discovery** filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Southern District of Texas Local Rules 7.1, 7.2.
- (c) The following **excuses** will **neither warrant a continuance** nor justify a failure to comply with the discovery deadline:

- (i) the fact that there are motions for summary judgment or motions to dismiss pending;
- (ii) the fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (iii) the failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

(d) **Exhibits**

- (i) Each party must provide the Court with a courtesy copy of exhibits and exhibit lists. The presiding judge's preferred format for Exhibit Lists is available on the Court's website at [www.txsd.uscourts.gov](http://www.txsd.uscourts.gov) under **Court Procedures**.
- (ii) If exhibits are voluminous, provide only specific pages that pertain to the issues on the two courtesy copies. The original exhibits that are agreed upon by the parties, should be ready to be tendered to the Clerk of the Court at the beginning of trial. Other exhibits that are admitted during trial should be tendered to the Clerk of the Court immediately after admission.
- (iii) The parties are to label all proposed exhibits with the following information on each label: Designation of Plaintiff's or Defendant's Exhibit Number and Case Number. For example:

|                            |                            |
|----------------------------|----------------------------|
| <b>Plaintiff's Exhibit</b> | <b>Defendant's Exhibit</b> |
| Exhibit No. _____          | Exhibit No. _____          |
| Case No. _____             | Case No. _____             |

SIGNED at Houston, Texas, this 30<sup>th</sup> day of January, 2014.

  
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VANESSA D. GILMORE  
UNITED STATES DISTRICT JUDGE